9. (twice amended) A polynucleotide molecule according to claim 7, wh rein the polynucleotide molecule comprises a nucleotide sequence substantially corresponding to that shown at nucleotides 1 to 1903 or nucleotides 369 to 1592 of SEQ ID NO: 4.

14. (twice amended) A host cell according to claim 11, wherein the cell expresses the NPY-Y7 receptor onto the cells surface.

25. (twice amended) A method of producing NPY-Y7 receptors or functionally equivalent fragments thereof, the receptor characterized by the N-terminal amino acid sequence:

$MX_1X_2MX_3EKWDX_4NSSE$ (SEQ ID NO:1),

wherein X_1, X_2, X_3, AND X_4 are selected from codable amino acids, or a functionally equivalent fragment of said receptor, in a substantially pure form, comprising culturing a host cell according to claim 14 under conditions enabling the expression of NPY-Y7 receptors, and optionally recovering the receptors.

REMARKS

In response to the restriction requirement set forth in the outstanding Office Action, Applicant elects the Group I invention. Applicant further elects the species (iii) or SEQ. ID. No: 4. Claims 1-3, 5, 7-14 correspond to the elected Group and species.

Also with this election, claims 1, 7, 8, 9, 14, and 25 are amended to remove the phrase "or functionally equivalent fragments thereof" or one similar thereto.

In conjunction with this election and amendment, Applicant respectfully traverses the restriction requirement.

First, any reason for restricting based on the presence of "or functionally equivalent fragments thereof" or a similar phrase is mooted by the amendment to the claims. Consequently, Applicant submits that this language as found in the original claims cannot form a basis to allege that the claims lack a single inventive concept.

Second and regardless of the aforementioned phrases, the claims, do in fact, share a common structural feature in the polynucleotide comprising SEQ. ID. NO: 1. This is found in all of the allegedly distinct Groups of invention. i.e.:

The non-human transgenic animal of claim 21 (Group V);

The receptor of claims 15-19, (Group II);

The antibody of claim 20, (Group III);

The method identifying an agonist or antagonist of claim 22 (Group IV);

The probe of claim 23 (Group V);

The oligonucleotide of claim 24 (Group VI); and

The method of making the receptor of claim 25 (Group VII).

In light of the single technical concept running throughout the claims, Applicant submits that the Unity of Invention rules mandate that all claims be examined together, and the restriction requirement should be reconsidered, and withdrawn.

Furthermore, Applicant submits if the generic claim 1 is found to be allowable, the species restriction should be withdrawn and species (i), (ii), and (iii) be included with allowed species SEQ. ID No: 1.

In light of the above, reconsideration of the restriction requirement and an early examination on all 25 claims are respectfully requested. If the Examiner continues to assert that restriction is proper, Applicant requests that proper reasoning under PCT Rule 13 be presented in the next Office Action in light of the amendment to the claims.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088, including extension of time fees.

Again, reconsideration of the restriction requirement for this application is respectfully solicited.

Respectfully submitted,
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Docket No.: 12020-0002
Date: May 17, 2002

Application No. 09/719,088

MARKED UP CLAIMS UNDER 37 CFR 1.121

1. (onc am nded) An isolated polynucleotide molecul ncoding an NPY-Y7 receptor [or a functionally equivalent fragment thereof], wherein the encoded NPY-Y7 receptor is characterised by the N-terminal amino acid sequence:

$MX_1X_2MX_3EKWDX_4NSSE$ (SEQ ID NO: 1),

wherein X_1, X_2, X_3 and X_4 are selected from codable amino acids.

7. (once amended) A polynucleotide molecule encoding an NPY-Y7 receptor, wherein the polynucleotide molecule comprises a nucleotide sequence showing at least 90% homology to that shown at nucleotides 1 to 1903 or nucleotides 369 to 1592 of SEQ ID NO: 4 [or any portion thereof encoding a functionally equivalent NPY-Y7 receptor fragment].

8. (once amended) A polynucleotide molecule according to claim 7, wherein the polynucleotide molecule comprises a nucleotide sequence showing at least 95% homology to that shown at nucleotides 1 to 1903 or nucleotides 369 to 1592 of SEQ ID NO: 4 [or any portion thereof encoding a functionally equivalent NPY-Y7 receptor fragment].

9. (twice amended) A polynucleotide molecule according to claim 7, wherein the polynucleotide molecule comprises a nucleotide sequence substantially corresponding to that shown at nucleotides 1 to 1903 or nucleotides 369 to 1592 of SEQ ID NO: 4 [or any portion thereof encoding a functionally equivalent NPY-Y7 receptor fragment].

14. (twice amended) A host cell according to claim 11, wherein the cell expresses the NPY-Y7 receptor [or functionally equivalent fragment thereof] onto the cell's surface.

Claim 25 (twice amended) A method of producing NPY-Y7 receptors or functionally equivalent fragments thereof, the receptor characterized by the N-terminal amino acid sequence:

$MX_1X_2MX_3EKWDX_4NSSE$ (SEQ ID NO:1),

[Wherein] <u>wherein</u> X_1, X_2, X_3, AND X_4 are selected from codable amino acids, or a functionally equivalent fragment of said rec ptor, in a substantially pure form, comprising culturing a host cell according to claim 14 under conditions enabling the

expression of NPY-Y7 receptors [or functionally equivalent fragments thereof], and optionally recovering the receptors [or functionally equivalent fragments thereof].